IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4157 of 2006()

CRA.18/2003 of II ADDL. SESSIONS COURT, TRIVANDRUM
ST.673/1997 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM
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REVN. PETITIONER/APPELLANT/ACCUSED:

A. SIVAPRASAD,
'VEENA', CHITTAKKARA LANE,
KAIMANAM, PAPPANAMCODE,
THIRUVANANTHAPURAM, WORKING AS RESERVATION CLERK,
CENTRAL RAILWAY STATION,
THAMPANOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.S.VISHNU

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:
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1. SREEKANTAN NAIR,
SASTHAMVILA VEEDU, T.C. 7/1185,
CHITTATINKKARA, VATTIYOORKAVU,
THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4157 OF 2006

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Dated this the 27th November , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to suffer imprisonment for a period of three months and to pay a fine of Rs.82,000/- and in default of payment of fine, to suffer imprisonment for one month. There was also a direction that if the fine amount is realised, Rs. 80,000/- shall be paid to the complainant as compensation under section 357(1)(b) of the Code of Criminal Procedure. On appeal, by the accused, the appellate court confirmed the conviction, but reduced the sentence to imprisonment till the rising of the court. The fine amount was increased to Rs.85,000/- and the compensation amount payable was also increased to Rs.82,000/- . The appellate court also directed that in default of payment of fine, the petitioner shall undergo simple imprisonment for two months.

2. Learned counsel for the petitioner submitted that the only prayer of the petitioner is that he may be granted reasonable time to pay the fine amount of Rs. 85,000/-. Learned counsel for the petitioner submitted that the petitioner is in impecunious circumstances and that if time is not

granted, warrant already issued will be executed and he will be imprisoned. In the facts and circumstances of the case, I am inclined to accept the submission.

In the result, the Crl. Revision Petition is dismissed confirming the conviction and sentence. However, the petitioner is granted three months' time to pay the fine amount and the default sentence in that regard shall not be executed for a period of three months. Warrant, if any, pending against the petitioner shall be kept in abeyance.

Crl. Revision Petition is disposed of as above.

K.T. SANKARAN,
JUDGE.

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